

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thomas L. CANTOR et al.

Application No.: 10/617,489

Confirmation No.: 4476

Filed: July 10, 2003

Art Unit: 1641

For: METHODS, KITS AND ANTIBODIES FOR
DETECTING PARATHYROID HORMONE

Examiner: C. Cheu

STATEMENT OF SUBSTANCE OF INTERVIEW

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On February 28, 2008 and March 5, 2008, Examiner Jacob Cheu and the undersigned had telephonic interviews to discuss the various outstanding issues for the present application. Applicants and the undersigned greatly appreciate the Examiner for granting the interviews and discussing the various issues with the undersigned. The following is a summary of the February 28, 2008 and March 5, 2008 telephonic interviews:

The undersigned informed the Examiner that a Request to Correct Inventorship under 37 C.F.R. §1.48(A) to add Ping Gao as a co-inventor of the present application was filed on April 4, 2007. The undersigned inquired the status of the Petition. The Examiner agreed to look into the status of the Petition.

The undersigned also informed the Examiner that the applicants submitted, on March 6, 2006, as part of a Response to a Non-Final Office Action, a replacement Figure 5, in which the portion of the title referring to Antibody As Tracer is amended to “with PTH 1-[[8]]9 Antibody as

Tracer.” A Declaration of Thomas L. Cantor pursuant to 37 C.F.R § 1.132 (Cantor Decl.), explaining the reason for amending Figure 5, was also submitted with the March 6, 2006 Response. The undersigned informed the Examiner that, since no objection was raised to the proposed amendment of Figure 5, it is undersigned’s understanding that the proposed amendment of Figure 5 has been entered in the present application. The Examiner confirmed that the proposed amendment of Figure 5 has been entered in the present application, and once the present application is allowed, a patent will issue with the replacement Figure 5.

The undersigned further informed the Examiner that in the reexamination of one of the parent patents, U.S. Patent No. 6,689,566 (‘566 patent) (Serial No. 90/007,685 and 90/007,732), the patent owner also submitted a replacement Figure 5 as part of a Response to the Non-Final Office Action on July 24, 2006. The Examiner in the reexamination of the ‘566 patent objected to the amendment of Figure 5 in the September 21, 2006 Final Office Action as adding new matter. The patent owner withdrew the amendment of Figure 5 as part of the November 10, 2006 Response to the Final Office Action in the reexamination of the ‘566 patent.

The Examiner of the present application indicated that the proposed amendment of Figure 5 has been entered in the present application because in the present Examiner’s view, the proposed amendment of Figure 5 finds support in the present application as pointed out in the applicants March 6, 2006 Response.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no.

